

REMARKS

Claims 3, 4, 6-9, and 11-22 are pending in the present application.

The rejections of Claims 1-4 under 35 U.S.C. §102(b) over Morice et al, Ryffel et al, and Tsuboi et al are obviated by amendment.

Morice et al disclose a macrolide, rapamycin, as an inhibitor of IL-2 (see Abstract). Ryffel et al disclose the ability of cyclosporin A, tacrolimus (FK506), and rapamycin to inhibit T-lymphocyte activation (see Abstract). Tsuboi et al disclose cyclosporin A, and tacrolimus (FK506) as inhibitors of IL-2 (see Abstract).

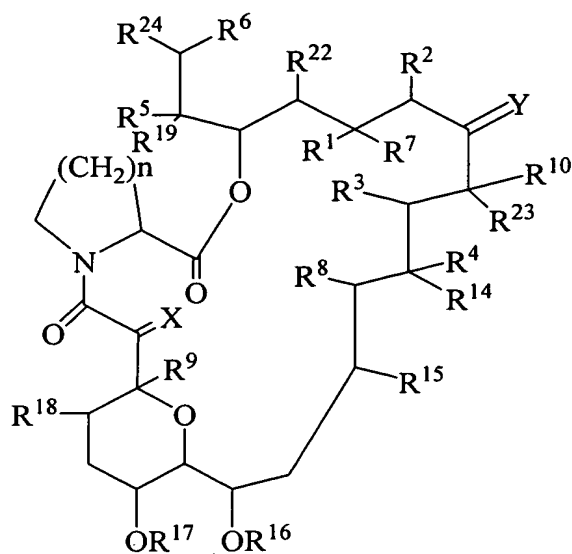
Applicants note that, at no point, do the art of record disclose or suggest an agent suitable for treating *retinopathy* comprising a tricyclo compound of formula (I) as presently claimed (see Claim 3). Applicants wish to thank Examiner Chism for recognizing this deficiency in the art of record as Claim 3 has been amended to recite the limitations of previously pending Claim 5, namely treatment of retinopathy.

Accordingly, Applicants request withdrawal of these grounds of rejection.

The rejection of Claims 1-3 and 5-10 under 35 U.S.C. §102(b) over Kulkarni et al is traversed in part and obviated in part by amendment.

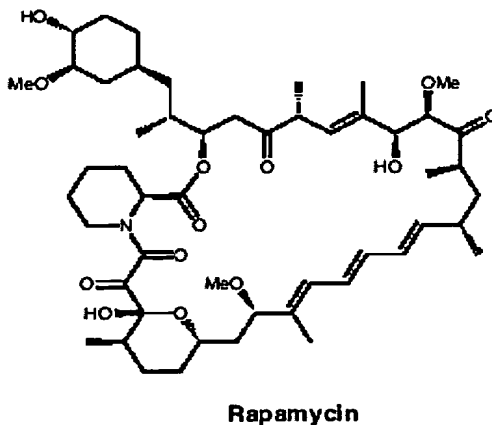
Kulkarni et al disclose rapamycin for the preparation of a medicament for treatment of ocular inflammation (see Title and Abstract).

The present invention relates, in part, to treating retinopathy and agents for treating retinopathy where the agent comprises a tricyclo compound of formula (I)



(I).

Applicants note that rapamycin (structure provided below for the Examiner's convenience) is not included in this claimed group of tricyclo compounds.



Rapamycin

Based on the foregoing, Applicants submit that Kulkarni et al fail to anticipate the claimed invention. Accordingly, Applicants request withdrawal of this ground of rejection.

The rejection of Claims 1-10 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

Claims 1 and 10 have been canceled. Accordingly, this ground of rejection over these claims is believed to be moot.

Applicants note that "FK506" is not a trademark but a development number given to this compound. Moreover, as the Examiner has clearly demonstrated by his selection of the art of record, one of skill in the art would immediately envision the appropriate descriptive (structural) information from the mere recitation of the term "FK506." Therefore, Claim 4 is fully compliant with 35 U.S.C. §112, second paragraph. However, in order to alleviate the Examiner's concern, Applicants have amended Claim 4 to replace the term "FK506" with the corresponding structure appearing on page 9 of the specification.

Claims 2-3 and 5-8 have been rejected under 35 U.S.C. §112, second paragraph, for being depended from rejected Claim 1. However, Applicants submit that by virtue of the present amendment this ground of reject is moot.

Withdrawal of this ground of rejection is requested.

In addition, the objection to the specification is believed to be obviated by submission of the attached substitute specification. Applicants wish to reiterate that "FK506" is not a trademark but a development number given to a specific compound. Moreover, as the Examiner has clearly demonstrated by his selection of the art of record, one of skill in the art would immediately envision the appropriate descriptive (structural) information from the mere recitation of the term "FK506," as well as reference to the structure appearing on page 9 of the specification. Accordingly, Applicants submit that it is unnecessary to capitalize FK506 throughout the specification. Further, Applicants submit that the substitute specification contains no new matter.

The rejection of Claims 1-4 and 8-10 under 35 U.S.C. §112, first paragraph, is obviated by amendment.

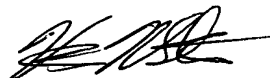
Applicants have amended independent Claims 1 and 9 to replace the objected to phrase "visual cell disorder" with the accepted term "retinopathy" (original Claim 5). Accordingly, Applicants respectfully request withdrawal of this ground of rejection.

The rejection of Claim 10 under 35 U.S.C. §101 is obviated by amendment. Applicants note that Claim 10 has been canceled. Accordingly this ground of rejection is not longer tenable and should be withdrawn. An indication of such action is respectfully requested.

Applicants submit that the present application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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